

Environmental Protection Agency

§ 52.1620

§ 52.1606 Visibility protection.

(a) The requirements of section 169A of the Clean Air Act are not met because the plan does not include approvable procedures meeting the requirements of 40 CFR 51.305 and 51.307 for protection of visibility in mandatory Class I Federal areas.

(b) Regulations for visibility monitoring and new source review. The provisions of §§ 52.26 and 52.28 are hereby incorporated and made part of the applicable plan for the State of New Jersey.

(c) *Long-term strategy.* The provisions of § 52.29 are hereby incorporated and made part of the applicable plan for the State of New Jersey.

[51 FR 23759, July 1, 1986, as amended at 52 FR 45137, Nov. 24, 1987]

§ 52.1607 Small business technical and environmental compliance assistance program.

On January 11, 1993, the New Jersey Department of Environmental Protection and Energy submitted a plan for the establishment and implementation of a Small Business Stationary Source Technical and Environmental Compliance Assistance Program for incorporation in the New Jersey state implementation plan. This plan satisfies the requirements of section 507 of the Clean Air Act, and New Jersey must implement the program as approved by EPA.

[59 FR 34386, July 5, 1994]

Subpart GG—New Mexico

§ 52.1620 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable State Imple-

mentation Plan (SIP) for New Mexico under section 110 of the Clean Air Act, 42 U.S.C. 7401, and 40 CFR part 51 to meet national ambient air quality standards.

(b) *Incorporation by reference.* (1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to July 1, 1999, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the FEDERAL REGISTER. Entries in paragraphs (c) and (d) of this section with EPA approval dates after July 1, 1999, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 6 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) are an exact duplicate of the officially promulgated State rules/regulations which have been approved as part of the State implementation plan as of July 1, 1999.

(3) Copies of the materials incorporated by reference may be inspected at the Region 6 EPA Office at 1445 Ross Avenue, Suite 700, Dallas, Texas, 75202-2733; the EPA, Air and Radiation Docket and Information Center, Air Docket (6102), 401 M Street, SW., Washington, DC. 20460; or at the Office of Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.

(c) EPA approved regulations.

EPA APPROVED NEW MEXICO REGULATIONS

State citation	Title/subject	State approval/effective date	EPA approval date	Comments
New Mexico Administrative Code (NMAC) Title 20—Environment Protection Chapter 2—Air Quality				
Part 1	General Provisions	10/27/95	11/25/97, 62 FR 50514	This date reflects a recodification, not EPA approval of underlying requirement.
Part 2	Definitions	11/30/95	11/25/97, 62 FR 50514	
Part 3	Ambient Air Quality Standards ...	11/30/95	11/25/97, 62 FR 50514	
Part 5	Source Surveillance	11/30/95	11/25/97, 62 FR 50514	
Part 7	Excess emissions during Malfunction, Startup, Shutdown, or Scheduled Maintenance.	11/30/95	11/25/97, 62 FR 50514	
Part 8	Emissions Leaving New Mexico	11/30/95	11/25/97, 62 FR 50514	

EPA APPROVED NEW MEXICO REGULATIONS—Continued

State citation	Title/subject	State approval/effective date	EPA approval date	Comments
Part 10	Woodwaste Burners	11/30/95	11/25/97, 62 FR 50514	Subparts I, II, III, and V in SIP.
Part 11	Asphalt Process Equipment	11/30/95	11/25/97, 62 FR 50514	
Part 12	Cement Kilns	11/30/95	11/25/97, 62 FR 50514	
Part 13	Gypsum Processing Plants	11/30/95	11/25/97, 62 FR 50514	
Part 14	Particulate Emissions From Coal Burning Equipment.	11/30/95	11/25/97, 62 FR 50514	
Part 15	Pumice, Mica and Perlite Process Equipment.	11/30/95	11/25/97, 62 FR 50514	
Part 16	Nonferrous Smelters (New and Existing)-Particulate Matter.	11/30/95	11/25/97, 62 FR 50514	
Part 17	Nonferrous Smelters (Existing)-Particulate Matter.	11/30/95	11/25/97, 62 FR 50514	
Part 18	Oil Burning Equipment-Particulate Matter.	11/30/95	11/25/97, 62 FR 50514	
Part 19	Potash, Salt or Sodium Sulfate Processing Equipment-Particulate Matter.	11/30/95	11/25/97, 62 FR 50514	
Part 20	Lime Manufacturing Plants-Particulate Matter.	11/30/95	11/25/97, 62 FR 50514	
Part 21	Fugitive Particulate Matter Emissions from Nonferrous Smelters.	11/30/95	11/25/97, 62 FR 50514	
Part 22	Fugitive Particulate Matter Emissions from Roads within the Town of Hurley.	11/30/95	11/25/97, 62 FR 50514	
Part 30	Kraft Mills	11/30/95	11/25/97, 62 FR 50514	
Part 31	Coal Burning Equipment-Sulfur Dioxide.	11/30/95	11/25/97, 62 FR 50514	
Part 32	Coal Burning Equipment-Nitrogen Dioxide.	11/30/95	11/25/97, 62 FR 50514	
Part 33	Gas Burning Equipment-Nitrogen Dioxide.	11/30/95	11/25/97, 62 FR 50514	
Part 34	Oil Burning Equipment-Nitrogen Dioxide.	11/30/95	11/25/97, 62 FR 50514	
Part 40	Sulfuric Acid Production Units-Sulfur Dioxide, Acid Mist and Visible Emissions.	11/30/95	11/25/97, 62 FR 50514	
Part 41	Nonferrous Smelters-Sulfur	11/30/95	11/25/97, 62 FR 50514	
Part 60	Open Burning	11/30/95	11/25/97, 62 FR 50514	
Part 61	Smoke and Visible Emissions	11/30/95	11/25/97, 62 FR 50514	
Part 70	Operating Permits	11/30/95	11/25/97, 62 FR 50514	
Part 71	Operating Permit Emission Fees	11/30/95	11/25/97, 62 FR 50514	
Part 72	Construction Permits	11/30/95	11/25/97, 62 FR 50514	
Part 73	Notice of Intent and Emissions Inventory Requirements.	11/30/95	11/25/97, 62 FR 50514	
Part 74	Prevention of Significant Deterioration.	7/20/95	10/15/96, 61 FR 53639	
Part 75	Construction Permit Fees	11/30/95	11/25/97, 62 FR 50514	
Part 79	Permits-Nonattainment Areas	11/30/95	11/25/97, 62 FR 50514	
Part 80	Stack Heights	11/30/95	11/25/97, 62 FR 50514	
Part 98	General Conformity	08/02/96	9/9/98, 63 FR 48109	
Part 99	Transportation Conformity	11/23/98 and 09/08/99	3/20/00, 65 FR 14877	
New Mexico Administrative Code (NMAC) Title 20—Environment Protection Chapter 11—Albuquerque/Bernalillo County Air Quality Control Board (AQCB)				
Part 03	Transportation Conformity	07/01/98	July 8, 1999. 64 FR 36790	(1) No action is taken on sections I.2.3., II.2.4, II.7.3–7.6, II.16.5, II.18.1.B, II.19.1.A, and II.22.2. and (2) this rule supersedes Regulation 42 codified under Albuquerque-Bernalillo County, Air Quality Control Regulations.

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EPA APPROVED ALBUQUERQUE/BERNALILLO COUNTY, NM REGULATIONS

State citation	Title/subject	State approval/effective date	EPA approval date	Comments
Regulation No.				
1	Resolutions	01/12/79	04/10/80, 45 FR 24468	
2	Definitions	03/16/89	12/21/93, 58 FR 67333	
3	Open Burning	01/12/79	04/10/80, 45 FR 24468	
4	Incinerators	01/12/79	04/10/80, 45 FR 24468	
5	Visible Air Contaminants	01/12/79	04/10/80, 45 FR 24468	
6	Orchard Heaters	01/12/79	04/10/80, 45 FR 24468	
7	Motor Vehicle Air Pollution Control Devices.	01/12/79	04/10/80, 45 FR 24468	
8	Airborne Particulate Matter	03/17/83	02/23/93, 58 FR 10972	
9	Process Equipment	01/12/79	04/10/80, 45 FR 24468	
10	Kraft Mills	01/12/79	04/10/80, 45 FR 24468	
11	Organic Fluids	01/12/79	04/10/80, 45 FR 24468	
12	Coal Burning Equipment—Nitrogen Dioxide Emission Limits.	01/12/79	04/10/80, 45 FR 24468	
13	Coal Burning Equipment—Sulfur Dioxide Emission Limits.	01/12/79	04/10/80, 45 FR 24468	
14	Coal Burning Equipment—Particulate Emission Limits.	01/12/79	04/10/80, 45 FR 24468	
15	Oil Burning Equipment—Nitrogen Dioxide Emission Limits.	01/12/79	04/10/80, 45 FR 24468	
16	Oil Burning Equipment—Particulate Emission Limits.	01/12/79	04/10/80, 45 FR 24468	
17	Oil Burning Equipment—Sulfur Dioxide Emission Limits.	01/12/79	04/10/80 45 FR 24468	
18	Gas Burning Equipment—Nitrogen Dioxide Emission Limits.	01/12/79	04/10/80, 45 FR 24468	
19	Breakdown, Abnormal Operating Conditions, or Scheduled Maintenance.	01/12/79	04/10/80, 45 FR 24468	
20	Permits	02/26/93	03/16/94, 59 FR 12172	
21	Permit Fees	01/12/79	04/10/80, 45 FR 24468	
22	Registration of Air Contaminant Sources.	01/12/79	04/10/80, 45 FR 24468	
23	Source Surveillance	01/12/79	04/10/80, 45 FR 24468.	
24	Variance Procedure	01/12/79	04/10/80, 45 FR 24468	
25	Administration and Enforcement	01/12/79	04/10/80, 45 FR 24468	
26	Interpretation	01/12/79	04/10/80, 45 FR 24468	
27	Emergency Action Plan	01/12/79	04/10/80, 45 FR 24468	
28	Motor Vehicle Inspection	07/01/95	06/13/96, 61 FR 29970	
29	Prevention Of Significant Deterioration.	03/26/93	12/21/93, 58 FR 67333	
30—31	NSPS/NESHAPS	REGS NOT IN SIP. See Notice of Delegation published 10/06/95, 60 FR 52329.
32	Construction Permits—Nonattainment Areas.	02/26/93	12/21/93, 58 FR 67329	
33	Stack Height Requirements	03/16/89	03/05/91, 56 FR 09175	
34	Woodburning	11/27/91	11/23/93, 58 FR 62539	
35	Alternative Fuels	11/10/93	05/05/94, 59 FR 23168	
42	Transportation Conformity	11/09/94	11/08/95, 60 FR 56244	42.11 not approved by EPA.
43	General Conformity	11/09/94	09/13/96, 61 FR 48407	

(d) EPA-approved State Source-specific requirements.

EPA-APPROVED NEW MEXICO SOURCE-SPECIFIC REQUIREMENTS

Name of source	Permit number	State approval/effective date	EPA approval date	Explanation
None

(e) EPA approved nonregulatory provisions.

EPA APPROVED NEW MEXICO STATUTES IN THE CURRENT NEW MEXICO SIP

State citation	Title/subject	State Approval/ effective date	EPA approval date	Comments
NMSA 1978—New Mexico Statutes in the Current New Mexico SIP				
74–1–4	Environmental Improvement Board—Creation—Organization.	04/20/90	June 1, 1999.	
74–2–1	Short Title	08/11/83	11/02/84, 49 FR 44101	
74–2–2	Definitions	08/11/83	11/02/84, 49 FR 44101	
74–2–3	State Air Pollution Control Agency.	08/11/83	11/02/84, 49 FR 44101	
74–2–4	Municipal or County Air Quality Control Board.	04/20/90	June 1, 1999	
74–2–5	Duties and Powers of Board	08/11/83	11/02/84, 49 FR 44101	
74–2–6	Adoption of Regulations Notice and Hearings.	08/11/83	11/02/84, 49 FR 44101	
74–2–7	Permits	08/11/83	11/02/84, 49 FR 44101	
74–2–8	Variances	08/11/83	11/02/84, 49 FR 44101	
74–2–9	Variances—Judicial Review	08/11/83	11/02/84, 49 FR 44101	
74–2–10	Emergency Procedure	08/11/83	11/02/84, 49 FR 44101	
74–2–11	Confidential Information	08/11/83	11/02/84, 49 FR 44101	
74–2–11.1 ...	Limitations on Regulations	08/11/83	11/02/84, 49 FR 44101	
74–2–12	Enforcement	08/11/83	11/02/84, 49 FR 44101	
74–2–13	Inspection	08/11/83	11/02/84, 49 FR 44101	
74–2–14	Penalties	08/11/83	11/02/84, 49 FR 44101	
74–2–15	Additional Means of Enforcement	08/11/83	11/02/84, 49 FR 44101	
74–2–15.1 ...	Primary Nonferrous Smelter Orders.	08/11/83	11/02/84, 49 FR 44101	
74–2–16	Declaratory Judgement of Regulation.	08/11/83	11/02/84, 49 FR 44101	
74–2–17	Continuing Effect of Present Laws, Rules, and Regulations.	08/11/83	11/02/84, 49 FR 44101	
Article 16, Sections 10–16–1 through 10–16–16.	New Mexico Conflict of Interest Act.	07/16/90	June 1, 1999.	
Article 16, Supplemental.	New Mexico Environmental Improvement Board Code of Conduct.	07/16/90	June 1, 1999.	

EPA Approved City of Albuquerque and Bernalillo County Ordinances for State Board Composition and Conflict of Interest Provisions

City of Albuquerque, Chapter 6, Article XVII Sections 6–17–1 to 6–17–3.	Metropolitan Environmental Health Advisory Board.	11/16/90	June 1, 1999.	
Bernalillo County Commission Ordinance 302.	Metropolitan Environmental Health Advisory Board.	08/05/74	June 1, 1999.	
Bernalillo County Commission Ordinance 90–19.	Metropolitan Environmental Health Advisory Board.	08/21/90	June 1, 1999	Amended Ordinance 302.
City of Albuquerque, Chapter 6, Article XVI Sections 6–16–1 to 6–16–15.	Joint Air Quality Control Board Ordinance.	08/01/89	June 1, 1999.	

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EPA APPROVED NEW MEXICO STATUTES IN THE CURRENT NEW MEXICO SIP—Continued

State citation	Title/subject	State Approval/ effective date	EPA approval date	Comments
Bernalillo County Commission Ordinance 88-45.	Joint Air Quality Control Board Ordinance.	12/27/88	June 1, 1999	Amended Ordinance 84-44.
City of Albuquerque Chapter 1, Article XII Sections 1-12-1 to 1-12-3.	Public Boards, Commissions and Committees.	07/01/87	June 1, 1999.	
City of Albuquerque Chapter 2, Article III Sections 2-3-1 to 2-3-13.	Conflict of Interest	07/01/85	June 1, 1999.	
City of Albuquerque Charter, Article XII.	Code of Ethics	04/01/90	June 1, 1999.	
Bernalillo County Commission Ordinance 85-3.	Code of Ethics	02/05/85	June 1, 1999.	
City of Albuquerque Code of Conduct.	City Code of Conduct	02/09/90	June 1, 1999.	
City of Albuquerque request for redesignation.	Carbon monoxide maintenance plan and motor vehicle emission budgets.	6/22/98	5/24/00, 65 FR 33460	

EPA APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE NEW MEXICO SIP

Name of SIP provision	Applicable geographic or nonattainment area	State submittal/effective date	EPA approval date	Explanation
State Attorney General's Opinion.	Statewide	09/04/72	04/09/79, 44 FR 21020.	Ref 52.1640(c)(4).
Revisions to New Source Review and Source Surveillance.	Statewide	01/03/73	04/09/79, 44 FR 21020.	Ref 52.1640(c)(5).
Clarification of State permit and Source Surveillance.	Statewide	01/18/73	04/09/79, 44 FR 21020.	Ref 52.1640(c)(6).
Revision for Attainment of Standards.	PM in Albuquerque, Grant, Eddy and Lea counties; Ozone in Albuquerque; SO ₂ in San Juan and Grant counties; and CO in Las Cruces, Farmington, and Santa Fe counties.	01/23/79	04/10/80, 45 FR 24468 and 03/26/81, 46 FR 18694.	Ref 52.1640(c)(11).

EPA APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE NEW MEXICO SIP—Continued

Name of SIP provision	Applicable geographic or nonattainment area	State submittal/effective date	EPA approval date	Explanation
Ordinance for Motor Vehicle Emission I/M program.	Albuquerque	07/02/79	04/10/80, 45 FR 24468.	Ref 52.1640(c)(12).
TSP Plan, RFP, and Transportation Commitments.	Albuquerque	08/02/79	04/10/80, 45 FR 24468.	Ref 52.1640(c)(13).
Schedule for Albuquerque TSP plan, revising permit regulations, and extension request.	Albuquerque and Grant county.	09/25/79	04/10/80, 45 FR 24468.	Ref 52.1640(c)(14).
CO Strategies	Farmington and Santa Fe counties.	01/23/79	04/10/80, 45 FR 24468.	Ref 52.1640(c)(15).
Compliance schedules for several industries.	Eddy, Lea, and Grant counties.	07/25/79	12/24/80, 45 FR 85006.	Ref 52.1640(c)(16).
Revision for attainment of CO standard.	Bernalillo county	03/17/80	03/26/81, 46 FR 18694.	Ref 52.1640(c)(17).
Commitment to not issue permits to stationary sources.	Nonattainment areas	05/20/80	03/26/81, 46 FR 18694.	Ref 52.1640(c)(18).
Commitment to submit I/M enforcement plan.	Albuquerque, Bernalillo county.	10/10/80	03/26/81, 46 FR 18694.	Ref 52.1640(c)(19).
Revision to ambient monitoring plan.	Statewide	12/12/79	08/06/81, 46 FR 40006.	Ref 52.1640(c)(20).
Variance to regulation 506 for Phelps Dodge Corp.	Hidalgo Smelter in Playas, NM.	02/04/80	08/19/81, 46 FR 42065.	Ref 52.1640(c)(21).
Revised SO ₂ control strategy.	San Juan county	02/12/81	08/27/81, 46 FR 43153.	Ref 52.1640(c)(22).
Memorandum of understanding between the State and Arizona Public Service Company.	Statewide	04/16/81	08/27/81, 46 FR 43153.	Ref 52.1640(c)(22).
Compliance schedule for units 4 and 5 of the Arizona Public Service.	Four Corners Power plant.	03/31/80	03/30/82, 47 FR 13339.	Ref 52.1640(c)(23).
Variance to regulation 603 for units 3, 4, and 5 of the Arizona Public Service.	Four Corners Power plant.	07/31/80	03/30/82, 47 FR 13339.	Ref 52.1640(c)(25).
New Mexico plan for Lead.	Statewide	05/19/80	05/05/82, 47 FR 19334 and 08/14/84, 49 FR 32184.	Ref 52.1640(c)(27).
Revision to SO ₂ control strategy.	Grant county	05/12/81 and 08/13/81.	05/05/82, 47 FR 19333.	Ref 52.1640(c)(28).
Intergovernmental Consultation program.	N/A	03/28/80	03/08/84, 49 FR 08610.	Ref 52.1640(c)(31).
Public Information and Participation program.	Statewide	12/20/79	08/24/83, 48 FR 38467.	Ref 52.1640(c)(33).
Revision for attainment of CO standard.	Bernalillo county	06/28/82 and 01/26/83.	07/01/83, 48 FR 30366.	Ref 52.1640(c)(34).
Variance to regulation 603.B for units 3, 4, and 5 of the Arizona Public Service.	Four Corners Power Plant.	02/04/87, 10/26/87, and 02/16/88.	10/27/89, 54 FR 43814.	Ref 52.1640(c)(38).
Revision to SIP for moderate PM ₁₀ nonattainment areas.	Anthony area; Dona Ana county.	11/08/91	09/09/93, 58 FR 47383.	Ref 52.1640(c)(50).

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EPA APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE NEW MEXICO SIP—Continued

Name of SIP provision	Applicable geographic or nonattainment area	State submittal/effective date	EPA approval date	Explanation
Narrative plan addressing CO non-attainment areas. CO contingency measures and proposed Clean Fuel Vehicle fleet demonstration. Update to supplement to control air pollution. Revision approving request for redesignation, a vehicle I/M program, and required maintenance plan.	Albuquerque, Bernalillo county.	11/05/92	11/29/93, 58 FR 62535.	Ref 52.1640(c)(52).
	Albuquerque, Bernalillo county.	11/12/93	05/05/94, 59 FR 23167.	Ref 52.1640(c)(57).
	Bernalillo county	11/09/94	06/24/96, 61 FR 32339.	Ref 52.1640(c)(61).
	Albuquerque, Bernalillo non-attainment area.	05/11/95	06/13/96, 61 FR 29970.	Ref 52.1640(c)(63).

[63 FR 37495, July 13, 1998, as amended at 63 FR 48109, Sept. 9, 1998; 64 FR 29239, June 1, 1999; 64 FR 36790, July 8, 1999; 64 FR 51692, Sept. 24, 1999; 65 FR 14877, Mar. 20, 2000; 65 FR 33460, May 24, 2000]

§ 52.1621 Classification of regions.

The New Mexico plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Ozone
Albuquerque-Mid-Rio Grande Intrastate	I	III	III	III	I
New Mexico Southern Border Intrastate	IA	IA	III	III	III
El Paso-Las Cruces-Alamogordo Interstate	I	IA	III	I	I
Four Corners Interstate	IA	IA	III	III	III
Northeastern Plains Intrastate	III	III	III	III	III
Pecos-Permian Basin Intrastate	III	III	III	III	III
Southwestern Mountains-Augustine Plains Intrastate	III	III	III	III	III
Upper Rio Grande Valley Intrastate	III	III	III	III	III

[37 FR 1081, May 31, 1972, as amended at 39 FR 16347, May 8, 1974; 42 FR 20131, Apr. 18, 1977; 45 FR 24468, Apr. 10, 1980; 45 FR 67347, Oct. 10, 1980; 52 FR 5965, Feb. 27, 1987]

§ 52.1622 Approval status.

With the exceptions set forth in this subpart, the Administrator approves New Mexico's plan for the attainment and maintenance of the national standards under section 110 of the Clean Air Act. Further, the Administrator finds that the plan satisfies all requirements of the Part D of the Clean Air Act, as amended in 1977, except as noted below.

[45 FR 24468, Apr. 10, 1980]

§ 52.1623 Conditional approval.

(a) *General Conformity.* (1) A letter, dated April 22, 1998, from the Chief of Air Quality Bureau New Mexico Environment Department to the EPA Regional Office, commits the State to remove Section 110.C from its rule for making the State's rule consistent with Federal rule. Specifically, the letter states that:

This letter is regarding our general conformity rule, 20 NMAC 2.98—Conformity of General Federal Actions to the State Implementation Plan. We have been reviewing